

**LAND SURVEYORS SECTION MEETING
EXAMINING BOARD OF ARCHITECTS, LANDSCAPE ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS
MINUTES**

NOVEMBER 17, 2004

PRESENT: Rick Van Goethem, James Rusch, Matthew J. Janiak and Robert Hoskins

STAFF PRESENT: Jerry Lowrie, Bureau Director; Pat Schenck, Program Assistant; and Gail Pizzaro, Exam Specialist

GUEST: Francis Thousand, WI Society of Land Surveyors

CALL TO ORDER

Rick Van Goethem, Chair, called the meeting to order at 9:30 a.m. A quorum of four members was present.

AGENDA

Additions to Agenda:

- Add Code Book Policy under Administrative Report.

MOTION: Robert Hoskins moved, seconded by James Rusch, to approve the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES (AUGUST 25, 2004)

Correct spelling on Matthew Janiak's name.

Page 5 of 8, third motion, third line, use of word is verses be.

MOTION: Matthew Janiak moved, seconded by James Rusch, to approve the August 25, 2004 as amended. Motion carried unanimously.

**ADMINISTRATIVE REPORT
JERRY LOWRIE, BUREAU DIRECTOR
SECTION ROSTER**

Noted.

2005 SECTION MEETING DATES

The next meeting is February 23, 2005.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

CODE BOOK POLICY

Mr. Lowrie reported on the Department's new code book policy. The Department will no longer be printing hard copies of the statutes and administrative code books for the professions.

Customers will have three choices for getting the statutes and administrative codes:

1. Print statutes and administrative code from the Department's web site,
2. purchase a printed copy from Document Sales at a cost of \$15.00 for the smallest books, \$20.00 for the mid-sized books and \$25.00 for the larger books, or
3. purchase the entire code book on CD from Document Sales for approximately \$ 6.50.

These prices include shipping and handling.

TO DO LIST

Noted.

LEGISLATIVE & RULES ISSUES DRAFT SCOPE STATEMENTS TO INCORPORATE RULE CHANGES TO A-E 6 STATE JURISDICTIONAL EXAMINATION

The Section reviewed and discussed Clearinghouse Rule 04-118, an order to amend A-E 6.05 (1) and (2)(b) and 6.07 (1) and (2), relating to the name of the principles and practice examination for land surveyors. A public hearing will be held on November 18, 2004 at 9:15 a.m. 1400 E. Washington Ave, Rm. 179A in Madison, WI.

EXAMINATION REVIEW

The Section reviewed the Scope Statement to repeal AE 6.05(9)(a)(b) and AE 4.08 (7)(a)(b) on Examination and Review Procedure. Mr. Lowrie reported that a hearing could be scheduled in March 2005.

RL 4.01 CRIMINAL BACKGROUND CHECKS – EMERGENCY RULE

Mr. Lowrie reported that the emergency rule is in response to federal public law which required authorization by state statute to continue the FBI's policy of honoring state requests for criminal background reports. The rule modifies the authority of the Department to conduct criminal background checks of applicants and requires rule making by the Department to conduct

investigations whether an applicant for or holder of any credential issued by the Department has been charged with or convicted of a crime.

The emergency rule preserves the ability of the Department to continue its practice of conducting criminal background investigations of applicants and credential holders and eliminates the ability of the Department to exempt peace officers from the fingerprinting requirement for credentialing as a private detective or private security person.

As part of an investigation, the Department may require a credential holder to be photographed and fingerprinted. The Department may refer photographs and fingerprints so obtained to the Department of Justice for internal analysis or submission of the fingerprint cards to the Federal Bureau of Investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

NCEES INFORMATION ANNUAL CONVENTION UPDATE, POLICY CHANGES

The Board reviewed the Zone Update from September 2004, the highlights of NCEES annual convention and NCEES's policy changes.

TRAVEL ISSUES – JAMES RUSCH

Mr. Rusch stressed the importance of the Bureau Director, a professional engineer section member and a land surveyor section member's attendance at the Central Zone, NCEES Annual meeting and Board of Directors Meetings. Mr. Lowrie reported that the Department has made additional cuts to the travel budget. The Section noted that they had previously requested that the credentialing fees are increased to allow for funding for the Bureau Director's attendance at these meetings.

MOTION: James Rusch, seconded by Matthew Janiak, to recommend that the Department send two section members and the Bureau Director to the Central Zone meeting, the Board of Directors meeting and NCEES annual meeting. Motion carried unanimously.

MOTION: Rick Van Goethem moved, seconded by Robert Hoskins, to nominate James Rusch to attend the Joint Central/Northeast Zone Meeting in Washington, DC on April 7-9, 2005 to represent the Wisconsin Land Surveyors Section. Motion carried unanimously.

CREDENTIALING APPEARANCE FOR CLASS-I HEARING 11:30 AM RICHARD M. HAYNES

Richard M. Haynes appeared for a Class-1 Hearing regarding his application for registration as a land surveyor.

**EXAMINATION & EDUCATION ISSUES
NWTC AND UW GREEN BAY DEGREE PROGRAM
ARTICULATION AGREEMENT UPDATE- RICK VANGOETHEM**

Rick Van Goethem stated that an articulation agreement is currently not in place. This item will be deferred to the Section's February 23, 2005 meeting.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

The Board discussed legal opinions from the Department's legal counsel regarding standards of practice.

NEW BUSINESS

The Section suggested adding veteran's benefits for reimbursement of examination fees to the Department's web site or to the application form.

The Section discussed the possibility of taking a global look at Chapter A-E 6 by bringing in a group of land surveyors from around the state to get new ideas and new resolutions.

MOTION: Rick Van Goethem moved, seconded by Matthew Janiak, to discuss legislative issues on A-E-6 at the February 23, 2005 Land Surveyors Section meeting. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATION BY DIVISION OF ENFORCEMENT

None.

CLOSED SESSION

MOTION: Robert Hoskins moved, seconded by James Rusch, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (1) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats. Motion carried by roll call vote: Rick Van Goethem-yes, Robert Hoskins-yes, James Rusch-yes, Matthew Janiak-yes.

Open Session recessed at 12:30 a.m.

RECONVENE TO OPEN SESSION

MOTION: Robert Hoskins moved, seconded by Matthew Janiak, to reconvene into Open Session at 1:50 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

**MONITORING REPORT
CASE CLOSING
ADMINISTRATIVE WARNING
STIPULATION**

None.

**PENDING APPLICATIONS
CLASS I HEARING
RICHARD M. HAYNES**

The Section reviewed outlines and a syllabus for Richard Haynes coursework at Universal Technical Institute, Avondale AZ.

MOTION: Robert Hoskins moved, seconded by James Rusch, to deny Richard M. Hayes license as a land surveyor pending that Richard M. Hayes take a two or three credit course in legal aspects of land surveying research. Motion carried unanimously.

OTHERS ON ATTACHED LISTS

MOTION: Rick Van Goethem moved, seconded by Robert Hoskins, to approve George S. Bornemann, Benjamin Flitcroft, Keith J. Walkowski, and Megan E. Swenson applications for registration as a land surveyor by written exam reviewed on November 17, 2004. Motion carried unanimously.

MOTION: Robert Hoskins moved, seconded by James Rusch, to deny the application of Michael T. Anderson and requests that Mr. Anderson complete an additional one credit in legal aspects of surveying, and accumulate another one year of experience for 2000 hours of experience in the legal areas of land surveying as specified under A-E 6.03 (a) through (i) on the experience check list. Motion carried unanimously.

MOTION: Rick Van Goethem moved, seconded by Matthew Janiak, to deny the application for Reshit Zeqollari based on deficiency in two areas of experience and request that he submit examples in the following two areas: Wisconsin subdivision plats and Wisconsin certified survey maps. The examples submitted were from Illinois and are not acceptable in Wisconsin according to A-E 6.03. Robert Hoskins, abstained. Motion carried.

REINSTATEMENT REQUESTS

None.

EXAMINATION ISSUES

Gail Pizarro, Exam Specialist, met with the Section to request their opinion on three examination questions. There were 29 Wisconsin candidates for the jurisdictional exam on October 29, 2004, with 20 passing for a pass rate of 69%. This compares to an average pass rate for the exam of 62% over the past 7 years. The highest score was 92% and the lowest score was 54%. The average score was 74.7% and the median was 76.0%. There was one question which had a low pbis (#50: -0.16). Two questions had low correct percentages (#2: 31% and #8: 28%).

SUCH OTHER ITEMS AS AUTHORIZED BY LAW

None.

ADJOURNMENT

MOTION: Matthew Janiak moved, seconded by James Rusch, to adjourn the meeting at 1:59 p.m. Motion carried unanimously.

Next Meetings: February 23, 2005